

FILED
US DISTRICT COURT
DISTRICT OF NEBRASKA

JAN 25 2017

OFFICE OF THE CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

BUCK'S, INC.,

Plaintiff,

v.

QUIKTRIP CORPORATION, an Oklahoma
Corporation

Defendant.

Case No. 8:15-cv-00340

**ORDER ON FINAL PRETRIAL
CONFERENCE**

A final pretrial conference was held on the 20th day of October, 2016. Appearing for the parties as counsel were:

Kristopher J. Covi, counsel for Plaintiff Buck's, Inc. ("Buck's" or "Plaintiff");

Robert Slovek and Amy L. Van Horne, counsel for Defendant QuikTrip Corporation ("QuikTrip" or "Defendant").

(A) Exhibits.¹ See attached Joint Trial Exhibit List.

(B) Uncontroverted Facts. The parties have agreed that the following may be accepted as established facts for purposes of this case only:

1. The property in dispute is located at Interstate 80 and Highway 370 ("Property").
2. The Property was owned by James Murray, or an entity owned or controlled by James Murray, Murray Fields Sapp ("Seller").
3. Lee Ehlers was the real estate broker for Seller.
4. Jerry Huber was the real estate broker for QuikTrip.
5. Michael Earl was the real estate broker for Buck's.
6. James Murray desired to sell the Property.

¹**Caution:** Upon express approval of the judge holding the pretrial conference for good cause shown, the parties may be authorized to defer listing of exhibits or objections until a later date to be specified by the judge holding the pretrial conference. The mere listing of an exhibit on an exhibit list by a party does not mean it can be offered into evidence by the adverse party without all necessary evidentiary prerequisites being met.

(C) Controverted Facts and Unresolved Issues.²

1. Whether Buck's had a valid [legally sufficient] business expectancy to purchase the Property from Seller.
2. Whether QuikTrip knew of Buck's interest in the Property.
3. Whether QuikTrip committed an unjustified intentional act of interference.
4. Whether the [alleged] interference caused harm to Buck's.
5. Whether Buck's suffered damage as a result of [alleged] unjustified interference by QuikTrip and the amount of those [alleged] damages.
6. Whether Plaintiff failed to use reasonable care and diligence to mitigate its own damages.
7. Whether Plaintiff is entitled to the remedy of a constructive trust as a matter of law because QuikTrip obtained title to the Property by fraud, misrepresentation or abuse of an influential or confidential relationship.
8. Whether QuikTrip is entitled to quiet title in the Property.

(D) Witnesses.³ All witnesses, including rebuttal witnesses, expected to be called to testify by Plaintiff, except those who maybe called for impeachment purposes as defined in NECivR 16.2(c) only, are:

Name	Address
Steven J. Buchanan	Omaha, NE
Nichole Mallett	Omaha, NE
Michael Earl	Omaha, NE
Jerry Huber	Omaha, NE
Lee Ehlers	Omaha, NE

² The parties incorporate the issues decided by the Court in ruling on the motions in limine and/or identified by the Court as not being ripe for decision at this time.

³It is understood that, except upon a showing of good cause, no witness whose name and address does not appear herein shall be permitted to testify over objection for any purpose except impeachment. A witness whose only testimony is intended to establish foundation for an exhibit for which foundation has not been waived shall not be permitted to testify for any other purpose, over objection, unless such witness has been disclosed pursuant to Federal Rule of Civil Procedure 26(a)(3). A witness appearing on any party's witness list may be called by any other party.

James Murray	Omaha, NE
Michael Talcott	Gardner, KS
Kelly Vaughan	Waxhaw, NC

In addition to any witnesses who may be called solely to establish foundation for an exhibit, Plaintiff may call the following witnesses if the need arises:

Name	Address
John Perlebach	Omaha, NE

All witnesses, including rebuttal witnesses, expected to be called to testify by Defendant, except those who may be called for impeachment purposes as defined in NECivR 16.2(c) only, are:

Name	Address
James Murray	Omaha, NE
Michael C. Talcott	Gardner, KS
Kelly P. Vaughan	Waxhaw, NC
Jerry Huber	Omaha, NE
Lee Ehlers	Omaha, NE
Michael Earl	Omaha, NE
John Perelebach	Omaha, NE
Nichole Mallett	Omaha, NE
Steven J. Buchanan	Omaha, NE
Michael P. "Fuzzy" White	Kansas City, MO

In addition to any witnesses who may be called solely to establish foundation for an exhibit, Defendant may call the following witnesses if the need arises:

Name	Address	Name
None		

Any witness identified above by Plaintiff.

(E) Expert Witnesses' Qualifications.

Experts to be called by Plaintiff and their qualifications are: No expert witnesses will be called by Plaintiff.

Experts to be called by Defendant and their qualifications are: No expert witnesses will be called by Defendant.

(F) Voir Dire. Counsel have reviewed Federal Rule of Civil Procedure 47(a) and NECivR 47.2(a) and suggest the following with regard to the conduct of juror examination:

Following the Court's examination, counsel for the parties shall be granted thirty (30) minutes each to examine the jury.

(G) Number of Jurors. Counsel have reviewed Federal Rule of Civil Procedure 48 and NECivR 48.1 and suggest the following:

Counsel suggest this matter be tried to a jury composed of possibly nine (9), but no less than six (6) members.

(H) Verdict. The parties will not stipulate to a less-than-unanimous verdict. However, after six (6) hours of deliberation, the parties will stipulate to a verdict of either 7-2 or 7-1, depending on total number of jurors.

(I) Briefs, Instructions, and Proposed Findings. Counsel have reviewed NECivR 39.2(a), 51.1(a), and 52.1, and suggest the following schedule for filing trial briefs, proposed jury instructions, and proposed findings of fact, as applicable:

Unless otherwise ordered, trial briefs and proposed jury instructions shall be filed five (5) days before the first day of trial. Proposed findings of fact are non-applicable in this matter.

(J) Length of Trial. Counsel estimate the length of trial will consume not less than five (5) days, not more than seven (7) days, and probably about five (5) days.

(K) Trial Date. Trial is set to commence on February 6, 2017.

BUCK'S, INC., Plaintiff,

By: Kristopher J. Covi
Kristopher J. Covi #21462
McGrath North Mullin & Kratz, PC LLO
First National Tower, Suite 3700

1601 Dodge Street
Omaha, NE 68102
Telephone: (402) 341-3070
kcovi@mcgrathnorth.com

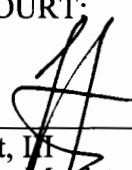
QUIKTRIP CORPORATION, Defendant,

By: Robert M. Slovek

Robert M. Slovek #17798
Amy L. Van Horne, #22520
KUTAK ROCK LLP
The Omaha Building
1650 Farnam Street
Omaha, Nebraska 68102-2186
Telephone: (402) 346-6000
Facsimile: (402) 346-1148
robert.slovek@kutakrock.com
amy.vanhorne@kutakrock.com

DATED: JANUARY 25, 2017.

BY THE COURT:



F.A. Gossett, III
United States Magistrate Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

BUCK'S, INC.,

Plaintiff,

v.

QUIKTRIP CORPORATION, an Oklahoma
Corporation

Defendant.

**DEFENDANT'S DESIGNATION OF
DEPOSITION TESTIMONY AND
DISCOVERY RESPONSES**

Pursuant to Fed. R. Civ. P. 26(a)(3), and in accordance with the Court's Amended Order Setting Final Schedule for Progression of Case dated June 17, 2016, (Doc. 26), Defendant QuikTrip Corporation hereby identifies the following portions of each deposition, designated by page and line, and discovery responses that it intends to present at trial of the above-captioned matter, other than solely for impeachment purposes:

I. DEPOSITION TESTIMONY

A. The deposition of Steve Buchanan taken January 27, 2016:

Page/Line Reference

5:9-11
5:23-6:1
8:10-11
22:2-12
26:19-23
28:20-25
36:21-37:3
37:18-23
53:19-25
56:21-57:3
65:3-6
77:7-82:2
86:1-18
90:21-91:2

94:23-95:14
103:6-104:5
108:23-109:3
125:14-17
136:13-17
137:17-20
153:23-154:16
155:24-156:4
156:11-15
160:3-5

B. The continued deposition of Steve Buchanan, taken October 11, 2016

Page/Line Reference

3:10-4:3
5:16-25; 6:1-6.6
6:6-7:18
8:8-9:25
12:24-13:19
16:2-6
16:7-19
16:25-17:15
18:19-19:3
21:7-10
21:22-22:13
23:1-14
25:16-22
26:23-28:24
28:25-32:19
33:5-10
35:14-21
38:7-21
46:14-48:1
48:21-49:22
50:17-51:11
51:18-53:9
58:16-25; 59:1-3
59:20-22
60:3-12
66:3-10
71:21-25; 72:1-4
75:3-10
75:11-22
78:21-25; 79:1

82:24-25; 83:1-3
83:4-10
87:8-10
87-11-14

C. The deposition of Lee Ehlers, taken September 20, 2016

Page/Line Reference

6:10-11
23:4-24:22
25:1-26:12
29:10-19
31:12-20
38:17-40:5
43:7-25
46:12-47:2
62:7-17
63:12-15

D. The deposition of James Murray taken September 20, 2016

Page/Line Reference:

5:17-23
7:11-12
8:14-17
25:16-26:5
27:23-28:6
31:12-21
33:25-34:5
44:6-7
45:13-25
46:4-8
54:3-7
79:22-80:7
92:6-19

E. The deposition of John Perlebach taken September 21, 2016

Line/Page Reference:

4:10-11
6:11-17
8:5-8
8:21-25
10:11-18
14:22-24
24:19-25:11
27:16-28:3
35:10-19
38:12-39:13
52:20-53:2

F. Deposition of Nichole Mallett taken October 5, 2016

Line/Page Reference:

4:10-11
6:6-11
12:1-7
64:1-14
72:17-23

G. Deposition of Mike Talcott taken August 3, 2016

Line/Page Reference:

10:9-16
26:24-27:7
25:12-25
32:15-33:5
40:7-13
41:2-12
43:4-14
44:7-45:16
46:5-47:3
57:23-58:25
61:7-62:20
64:14-22
68:25-69:20
70:25-71:17

74:4-75:10
76:24-77:7
82:9-82:11
84:5-84:13
87:2-88:5
89:14-89:22
90:18-25; 91:1-15
92:13-18
96:13-23
95:20-96:5
99:7-99:14
100:5-101:8
102:2-5
111:21-112:5
114:4-10

H. Deposition of Kelly Vaughan taken August 3, 2016

Line/Page Reference:

5:16-25;6:1-8
15:25-17:5
20:20-21:5
21:16-22:2
24:7-24:12
25:20-26:9
28:7-18
30:5-30:11
32:14-34:2
34:3-8
34:25-35:17
36:9-36:19
36:20-25;37:2
40:24-41:7
42:4-9
43:6-24
44:14-22
45:17-22
51:11-18
53:3-20

II. DISCOVERY RESPONSES

Plaintiff's Answers to Interrogatories

Plaintiff's Answers to Second Set of Interrogatories

Dated this _____ day of October, 2016.

QUIKTRIP CORPORATION, Defendant

By: /s/ Amy L. Van Horne

Robert M. Slovek, #17798

Amy L. Van Horne, #22520

KUTAK ROCK LLP

The Omaha Building

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Facsimile: (402) 346-1148

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amy.vanhorne@kutakrock.com

CERTIFICATE OF SERVICE

I hereby certify that on October _____, 2016, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

Kristopher J. Covi
McGrath North Mullin & Kratz, PC LLO
First National Tower, Suite 3700
1601 Dodge Street
Omaha, NE 68102
kcovi@mcgrathnorth.com

By /s/ Amy L. Van Horne

Amy L. Van Horne

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

BUCK'S, INC.,

Plaintiff,

v.

QUIKTRIP CORPORATION, an Oklahoma
Corporation

Defendant.

JOINT LIST OF EXHIBITS

Case Number: 8:15-cv-00340-LSC-FG3

Courtroom Deputy:

Court Reporter:

Trial Dates(s):

EXHIBIT NO.			DESCRIPTION	OFF.	OBJ.	RCVD.	NOT RCVD.	DATE
PLT.	DEF.	3 RD PTY.						
1			Jim Murray's Notes (Murray Dep. Ex. 2)		H,R			
2			09/17/13 Purchase Agreement (BKS00147 - BKS00149) (Buchanan Dep. Ex. 5)					
3			09/24/13 Email from Earl to Perlebach (BKS00170) (Buchanan Dep. Ex. 6)					
4			07/11/14 Email from Huber to Talcott (QT000941 – QT000952)					
5			11/11/14 Email from Buchanan to Perlebach (BKS00179) (Buchanan Dep. Ex. 7)					
6			11/17/14 Email from Huber to Talcott w/ att. (QT000095-QT000106) (Talcott Dep. Ex. 1)					
7			11/17/14 Email from Huber to Talcott (QT000129) (Talcott Dep. Ex. 2)					
8			11/18/14 Email from Earl to Mallett					
9			11/20/14 Email from Talcott to Huber					
10			11/26/14 Email from Huber to Talcott w/					

OBJECTIONS:

R: Relevancy

H: Hearsay

A: Authenticity

O: Other (specify)

4814-5870-0096.1

EXHIBIT NO.			DESCRIPTION	OFF.	OBJ.	RCVD.	NOT RCVD.	DATE
PLT.	DEF.	3 RD PTY.						
			att. (Talcott Dep. Ex. 3)					
11			12/01/14 Email from Huber to Ehlers w/ att. (INVR-SUB000028 - INVR-SUB000040)					
12			12/02/14 Email from Earl to Buchanan and Perlebach w/att (BKS00171 - BKS00172) (Buchanan Dep. Ex. 9)		O (incomplete)			
13			12/04/14 Email from Earl to Ehlers w/ att.		F,R			
14			12/04/14 Purchase Agreement (BKS00219 - BKS00223)		O (dup)			
15			12/05/14 Email from Earl to Buchanan w/ att. (BKS00214 - BKS00223) (Buchanan Dep. Ex. 10)					
16			12/5/14 Email from Talcott to Huber (Talcott Dep. Ex. 5)					
17			12/05/14 Email from Huber to Ehlers w/ att. (INVR-SUB000391-INVR-SUB000403)					
18			12/05/14 Email from Huber to Ehlers					
19			12/05/14 Email from Talcott to Murray (QT001284)					
20			12/05/14 Email from Earl to Buchanan w/ att. (BKS00214-BKS00223) (Buchanan Dep. Ex. 10)		O (dup)			
21			12/05/14 Email from Huber to Talcott (QT000133) (Talcott Dep. Ex. 6)					
22			12/06/14 Email from Murray to Talcott (QT001286)					
23			12/05/14 Contract of Purchase of Real Estate (QT000001 - QT000012) (Buchanan Dep. Ex. 12)					

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EXHIBIT NO.			DESCRIPTION	OFF.	OBJ.	RCVD.	NOT RCVD.	DATE
PLT.	DEF.	3 RD PTY.						
24			12/08/14 Email from Earl to Buchanan (BKS00225) (Buchanan Dep. Ex. 11)					
25			12/09/14 Email from Huber to Ehlers (INVR-SUB000067 - INVR-SUB000068)		H			
26			12/10/14 Email from Perlebach to Earl and Mallett w/ att. (BKS00209 - BKS00212) (Buchanan Depo Ex. 13)					
27			12/10/14 Email from Earl to Perlebach and Mallett w/ att. (BKS00233 - BKS00236) (Buchanan Dep. Ex. 14)					
28			12/11/14 Email from Huber to Talcott w/ att. (QT000050 - QT000062) (Talcott Dep. Ex. 8)					
29			12/11/14 Email from Murray to Ehlers (QT001232 - QT001233)					
30			12/11/14 Email from Huber to Talcott w/ att. (QT000923-QT000935)					
31			12/12/14 Email from Huber to Ehlers w/ att.					
32			12/15/14 Email from Huber to Talcott (QT000130) (Talcott Dep. Ex. 9)					
33			12/16/14 Email from Ehlers to Earl		H, F			
34			12/17/14 Email from Talcott to Huber (QT001306)		O (incomplete)			
35			12/19/14 Fax from Talcott to Murray w/ att.					
36			12/19/14 Email from Mallett to Earl w/ att. (BKS00150-BKS00158) (Buchanan Dep. Ex. 17)					
37			12/19/14 Email from Earl to Ehlers w/ att.					

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4814-5870-0096.1

EXHIBIT NO.			DESCRIPTION	OFF.	OBJ.	RCVD.	NOT RCVD.	DATE
PLT.	DEF.	3 RD PTY.						
38			12/22/14 Email from Murray to Ehlers		O (incomplete)			
39			12/22/14 Email from Murray to Talcott (Talcott Dep. Ex. 10)		H			
40			12/22/14 Email from Huber to Ehlers w/ att. (Talcott Dep. Ex. 11)					
41			12/23/14 Email from Sleeth to Murray w/att (QT001242-QT001243)					
42			12/29/14 Email from Ehlers to Perlebach (BKS00213) (Buchanan Dep. Ex. 19)					
43			12/29/14 Email from Murray to French w/ att.					
44			12/31/14 Email from Earl to Buchanan and Perlebach w/ att. (BKS00160 - BKS00168) (Buchanan Dep. Ex. 22)					
45			01/06/15 Email from Earl to Buchanan and Perlebach w/ att. (BKS00186 - BKS00205) (Buchanan Depo Ex. 23)					
46			Notice of Equitable Interest Filed 12/30/14 (QT001041 - QT001042)					
47			01/06/15 Letter from White to Murray w/ att. (QT000020 - QT000049)					
48			01/08/15 Email from Mallett to Earl w/ att.					
49			01/09/15 Email from Earl to Buchanan (BKS00159) (Buchanan Dep. Ex. 24)					
50			01/09/15 Letter from Murray to White (QT000334 - QT000335) (Talcott Dep. Ex. 14)		H			
51			01/12/15 Email from Mallett to Earl (BKS00226 - BKS00228) (Buchanan					

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EXHIBIT NO.			DESCRIPTION	OFF.	OBJ.	RCVD.	NOT RCVD.	DATE
PLT.	DEF.	3 RD PTY.						
			Depo Ex. 25)					
52			01/12/15 Email from Earl to Mallett (BKS00229 - BKS00232) (Buchanan Dep. Ex. 26)					
53			01/13/15 Email from Ehlers to Murray and French					
54			01/20/15 Email from Huber to Talcott		R			
55			01/21/15 Email from Talcott to Murray (QT001291 - QT001290)		R			
56			01/22/15 Email from Earl to Buchanan (BKS00241) (Buchanan Depo Ex. 27)					
57			01/26/15 Email from Waters to Van Horne (QT000296 - QT000297) (Talcott Dep. Ex. 15)		R, H, O (408)			
58			01/27/15 Email from Earl to Mallott, Buchanan and Perlebach w/ att.					
59			01/28/15 Email from Waters to Slovek (PRIV-QT000067 - PRIV-QT000068) (Talcott Dep. Ex. 16)		R, H, O (408)			
60			02/04/15 Email from Murray to Ehlers (INVR-SUB000241-INVR-SUB000242)					
61			02/11/15 Email from Ehlers to Thaemert (INVR-SUB000254-INVR-SUB000255)					
62			02/17/15 Contract for Purchase of Real Estate (QT000037 - QT000049) (Buchanan Dep. Ex. 28)		R			
63			05/08/15 Email from Earl to Ehlers w/ att. (INVR-SUB000311-INVR-SUB000313)					
64			05/15/15 Email from Earl to Ehlers w/ att. (INVR-SUB000320-INVR-SUB000323)					
65			05/16/15 Email from Earl to Murray					

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EXHIBIT NO.			DESCRIPTION	OFF.	OBJ.	RCVD.	NOT RCVD.	DATE
PLT.	DEF.	3 RD PTY.						
66			05/19/15 Email from Earl to Murray					
67			07/14/15 Email from Murray to Ehlers					
68			MPSI Report (BKS00300)		R,H, F, O			
69			Income Proforma HWY 370 (BKS00301)		R, H, F, O			
70			Operating Expense Detail (BKS00302-303)		R, H, F, O			
71			Income Statement for Three Stores (BKS00307-335)		R, H, F, O			
72			Fiscal Year Averages 2015-2017 For Three Stores (BKS00304)		R, H, F, O			
73			Total Costs Proforma (BKS00336)		R, H, F, O			
74			Complaint filed January 27, 2015 in Sarpy County for Slander of Title & Request for Declaratory Relief (<i>Murray Fields Sapp, LLC, a Nebraska limited liability company v. QuikTrip Corporation, an Oklahoma Corporation</i>)		R,H			
75			Contract for Purchase of Real Estate dated December 1, 2014 (MUR00369-MUR00380)		R,H			
	101		Contract for Purchase of Real Estate dated November 26, 2014 (QT000001 – QT000012) (Buchanan Dep. Ex. 12)					
	102		Notice of Equitable Interest dated December 30, 2014 (QT000035-QT000036) (Buchanan Dep. Ex. 30)					
	103		Commercial Land for Sale, Property Features (BKS00180 – BKS00185) (Buchanan Dep. Ex. 1)					
	104		Contract for Purchase of Real Estate dated March 23, 2007 (QT000172-QT000182)					

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EXHIBIT NO.			DESCRIPTION	OFF.	OBJ.	RCVD.	NOT RCVD.	DATE
PLT.	DEF.	3 RD PTY.						
			(Buchanan Dep. Ex. 3)					
	105		Email from Huber to Talcott dated July 11, 2014 providing proposed redline changes (QT000941-QT000952) (Ehlers Dep. Ex. 1)					
	106		Email from Huber to Talcott dated November 17, 2014 providing draft (QT000095-QT000106) (Talcott Dep. Ex. 1)					
	107		Email between Huber & Talcott dated November 26, 2014 (INVR-SUB000041-INVR-SUB000053)(Talcott Dep. Ex. 3)					
	108		Email between Huber & Talcott dated December 1, 2014 (INVR-SUB000028-INVR-SUB000040) (Ehlers Dep. Ex. 10)					
	109		Email String between Huber & Talcott dated December 5, 2014 (INVR-SUB000054) (Talcott Dep. Ex. 5)					
	110		Email String with Attached Contract for Purchase of Real Estate (INVR-SUB000391-403) (Ehlers Dep. Ex. 2)					
	111		Email from Huber to Talcott RE Congrats dated December 5, 2014 (QT000133) (Talcott Dep. Ex. 6)					
	112		12/5/14 and 12/6/14 Email Exchange Between Jim Murray and Mike Talcott (QT001286) (Ehlers Dep. Ex. 12)					
	113		Email dated December 5, 2014 between Murray and Talcott (QT001284) (Ehlers Dep. Ex. 13)					
	114		12/5/14 to 12/9/14 Email Exchange (INVR-SUB000067-INVR-SUB000068) (Ehlers Dep. Ex. 15)					
	115		Email from Huber to Talcott RE Contract Status dated December 11, 2014					

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4814-5870-0096.1

EXHIBIT NO.			DESCRIPTION	OFF.	OBJ.	RCVD.	NOT RCVD.	DATE
PLT.	DEF.	3RD PTY.						
			(QT000134) (Talcott Dep. Ex. 7)					
	116		12/11/14 Email Exchange (QT001232-1233) (Ehlers Dep. Ex. 3)					
	117		Email String between Huber & Talcott RE Contract dated December 11, 2014 (QT000050 – QT000062) (Talcott Dep. Ex. 8)					
	118		Email String between Huber & Talcott RE New Contracts dated December 15, 2014 (QT000130) (Talcott Dep. Ex. 9)					
	119		12/17/14 Email String Between Mike Talcott and Jerry Huber (QT001306) (Ehlers Dep. Ex. 5)					
	120		QuikTrip Transmittal from Michael Talcott to Jim Murray (QT001312) (Ehlers Dep. Ex. 14)					
	121		Email from Teresa Sleeth to Jim Murray dated December 17 and December 23 regarding earnest money (QT001242 – QT001243) (Murray Dep. Ex. 4)					
	122		Email from Murray to Talcott RE Purchase Agreement Cancellation dated December 22, 2014 (INVR-SUB000360) (Murray Dep. Ex. 3)					
	123		Email String between Huber, Ehlers, & Talcott RE 598 Fully Executed Docs dated December 22, 2014 (INVR-SUB000015-INVR-SUB000027) (Ehlers Dep. Ex. 16)					
	124		January 6, 2015 Correspondence from Michael White to James Murray and Robert Murray, including attachments (QT000020-QT000049) (Murray Dep. Ex. 5)					
	125		Letter, in response to January 9, 2015 letter, dated January 9, 2015 (QT000334 –					

OBJECTIONS:

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4814-5870-0096.1

EXHIBIT NO.			DESCRIPTION	OFF.	OBJ.	RCVD.	NOT RCVD.	DATE
PLT.	DEF.	3 RD PTY.						
			QT000335) (Talcott Dep. Ex. 14)					
	126		598 Timeline (QT001261 – QT001263) (Talcott Dep. Ex. 17) (unredacted)					
	127		Email dated January 21, 2015 from Mike Talcott to Jim Murray (QT001290-QT001291) (Murray Dep. Ex. 6)					
	128		Contract for Purchase of Real Estate dated February 17, 2015 (QT000037 – QT000049) (Buchanan Dep. Ex. 28)					
	129		Murray Handwritten Notes (MUR00035-37) (Murray Dep. Ex. 2)					
	130		Special Warranty Deed filed September 11, 2015 (QT001511 – QT001513)					
	131		Purchase Agreement dated August 16, 2013 (BKS00246 – BKS00250) (Buchanan Dep. Ex. 4)					
	132		Purchase Agreement dated September 17, 2013 (BKS00146 – BKS00149) (Buchanan Dep. Ex. 5)					
	133		Email from Earl to Perlebach dated September 24, 2013 regarding counteroffer (BKS00170) (Buchanan Dep. Ex. 6)					
	134		Email from Buchanan to Perlebach dated November 11, 2014 (BKS00179) (Buchanan Dep. Ex. 7)					
	135		Emails dated September 17, 2013 & December 2, 2014 RE Offer Terms (BKS000171 – BKS000172) (Buchanan Dep. Ex. 9)					
	136		Email from Earl to Ehlers dated December 4, 2014 with contract (Ehlers Dep. Ex. 23)					
	137		December 4, 2014 contract from Lund to Buyer (BKS00219 – BKS00223) (Ehlers					

OBJECTIONS:

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4814-5870-0096.1

EXHIBIT NO.			DESCRIPTION	OFF.	OBJ.	RCVD.	NOT RCVD.	DATE
PLT.	DEF.	3 RD PTY.						
			Dep. Ex. 6)					
	138		Email from Earl to Buchanan/Perlebach enclosing attached 370 & I-80 Sept Offer to Ehlers dated December 5, 2014 (BKS000214 – BKS000223) (Buchanan Dep. Ex. 10)					
	139		Email from Earl to Perlebach/Buchanan re Conversations with Bruce Fountain and Lee Ehlers dated December 8, 2014 (BKS000225) (Buchanan Dep. Ex. 11)					
	140		Email from Perlebach to Earl/Mallett enclosing Purchase Agreement dated December 10, 2014 (BKS000209 – BKS000212) (Buchanan Dep. Ex. 13)					
	141		Email from Earl to Perlebach/Mallett enclosing Purchase Agreement dated December 10, 2014 (BKS000233 – BKS000236) (Buchanan Dep. Ex. 14)					
	142		Email from Perlebach to Earl/Mallett enclosing Revised Agreement dated December 10, 2014 (BKS000237 – BKS000240) (Buchanan Dep. Ex. 15)					
	143		Email from Mallett to Earl, Perlebach & Buchanan enclosing Contracts and dated December 19, 2014 (BKS000150 – BKS000158) (Buchanan Dep. Ex. 17)					
	144		12/19/14 Email from Mike Earl to Lee Ehlers with Attached Four-Page Contract for Sale of Real Estate (INVR-SUB000197-INVR-SUB000201) (Ehlers Dep. Ex. 24)					
	145		Email from Earl to Buchanan & Perlebach enclosing Clean & Red-Lined Purchase Agreements dated December 31, 2014 (BKS000160 – BKS000168) (Buchanan Dep. Ex. 22)					

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EXHIBIT NO.			DESCRIPTION	OFF.	OBJ.	RCVD.	NOT RCVD.	DATE
PLT.	DEF.	3RD PTY.						
	146		Email dated December 29, 2014 from Jim Murray to Catherine French with Attached Contract of Sale of Real Estate with Handwritten Changes (INVR-SUB000226) (Ehlers Dep. Ex. 25)					
	147		Email from Earl to Buchanan & Perlebach enclosing Phase II Environmental Assessment dated January 6, 2015 (BKS000186 – BKS000205) (Buchanan Dep. Ex. 23)					
	148		Redacted Email from Earl to Buchanan RE Meeting dated January 9, 2015 (BKS00159) (Buchanan Dep. Ex. 24)					
	149		Email String between Mallett, Earl, Perlebach, French, Murray, Anderson & Ehlers RE Agreement Buyer Changes dated January 2015 (BKS000226 – BKS000228) (Buchanan Dep. Ex. 25)					
	150		Email String between Mallett, Earl, Perlebach, French, Murray, Anderson & Ehlers RE Agreement Buyer Changes dated January 2015 (BKS000229 – BKS000232) (Buchanan Dep. Ex. 26)					
	151		1/13/15 Email Exchange Between Lee Ehlers and Catherine French and others (INVR-SUB000237-INVR-SUB000238) (Ehlers Dep. Ex. 26)					
	152		Redacted Email from Earl to Buchanan RE Hearing Back from Ehlers Next Week dated January 22, 2015 (BKS00241) (Buchanan Dep. Ex. 27)					
	153		Email from Ehlers to Murray regarding listing (Ehlers Dep. Ex. 27)					
	154		Contract for Sale of Real Estate (BKS00286 – BKS00287) (Buchanan Dep. Ex. 29)					

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EXHIBIT NO.			DESCRIPTION	OFF.	OBJ.	RCVD.	NOT RCVD.	DATE
PLT.	DEF.	3 RD PTY.						
	155		Email from Earl to Ehlers dated, 2015 extending offer (INVR-SUB000311 - INVR-SUB000313) (Ehlers Dep. Ex. 8)					
	156		Email from Earl to Ehlers dated May 15, 2015 enclosing offer (INVR-SUB000320 – INVR-SUB000323) (Ehlers Dep. Ex. 9)					
	157		5/15/15 Email from Michael Earl to Jim Murray (INVR-SUB000289) (Murray Dep. Ex. 7)					
	158		May 19, 2015 email from Earl to Murray with handwritten comments (INVR-SUB000291) (Ehlers Dep. Ex. 18)					
	159		Email from Murray to Ehlers dated July 14, 2015 (INVR-SUB000353 – INVR-SUB000354)(Ehlers Dep. Ex. 19)					
	160		Email from Ehlers to Murray dated February 4, 2015 providing offer from developer (INVR-SUB000241 – INVR-SUB000242) (Ehlers Dep. Ex. 20)					
	161		Email from Ehlers to Thaemert dated February of 2015 rejecting offer (INVR-SUB000254 – INVR-SUB000255) (Ehlers Dep. Ex. 21)					
	162		Email from Thaemert to Ehlers providing offer from Murphy Oil dated February 2015 (INVR-SUB000243, INVR-SUB000251 – INVR-SUB000253) Ehlers Dep. Ex. 22)					
	163		Email from Waters to Slovek dated January 27, 2015 (PRIV-QT000071)					
	164		Complaint dated August 28, 2015, <i>Buck's, Inc. v. QuikTrip Corporation</i> , District Court of Sarpy County, Nebraska, Case No. CI15 – 1295 (Buchanan Dep. Ex. 2)					
	165		Email String dated November 11, 2014					

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PLT.	DEF.	3 RD PTY.						
			(BKS00179) (Buchanan Dep. Ex. 7)					
	166		Email exchange between Talcott & White dated December 23, 2014 with Contract for Sale of Real Estate attached (QT001383-QT001395) (White Dep. Ex. 1)					
	167		Email exchange between White & Talcott dated December 23, 2014 RE Notice of Equitable Interest with Notice of Equitable Interest attached (QT001374-QT001376) (White Dep. Ex. 2)					
	168		Email exchange between White, Talcott, Vaughan & Panter dated January 5, 2015 RE Notice of Equitable Interest with Filed Notice of Equitable Interest attached (QT001127-QT001129) (White Dep. Ex. 3)					
	169		Email exchange between White, Murray & Talcott dated December 24, 2014 RE Contract with QuickTrip Corporation (QT001244-QT001246) (White Dep. Ex. 4)					
	170		Email exchange between White, Vaughan, Panter & Talcott dated January 6, 2015 RE Notice (QT00370-QT00372) (White Dep. Ex. 5)					
	171		Email exchange between Talcott, Vaughan, Panter & White dated January 13, 2015 (QT001100-QT001102) (White Dep. Ex. 8)		H			
	172		Email exchange between Robert Murray, Waters, French, Anderson & White dated January 14, 2015 (QT001106-QT001109) (White Dep. Ex. 11)		H			
	173		Email exchange between Pander, White, Talcott, Vaughan & Wells dated January					

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EXHIBIT NO.			DESCRIPTION	OFF.	OBJ.	RCVD.	NOT RCVD.	DATE
PLT.	DEF.	3 RD PTY.						
			14, 2015 (QT001498-QT001499) (White Dep. Ex. 13)					
	174		Email exchange between White, Talcott, Vaughan & Panter dated January 15, 2015 (QT001503-QT001504) (White Dep. Ex. 14)		H			
	175		Confidentiality Agreement dated May 8, 2015 (Earl Dep. Ex. 1)					
	176		Plaintiff's Answers to Defendant's First Set of Interrogatories dated December 31, 2015					
	177		Trial Subpoena served upon James "Jim" Murray on January 10, 2017					

Demonstratives to be shared with opposing counsel pre-trial.

Dated this ____ day of January, 2017.

BUCK'S, INC., Plaintiff

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QUIKTRIP CORPORATION, Defendant

By: /s/Amy L. Van Horne

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Amy L. Van Horne, #22520

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